

REMARKS

The Office Action dated July 16, 2005, has been received and carefully considered. In this response, claims 1, 2, 3, 11, 21, 22, 23, 26, 28, 37, 38, 43, 44 50, 51, 54-65 and 67-68 have been amended and claim 66 has been canceled. Entry of the amendments to claims 1, 2, 3, 11, 21, 22, 23, 26, 28, 37, 38, 43, 44 50, 51, 54-65 and 67-68, is respectfully requested. Reconsideration of the outstanding rejections in the present application is also respectfully requested based on the following remarks.

I. THE WRITTEN DESCRIPTION AND ENABLEMENT REJECTIONS OF CLAIMS 58-68

On page 2 of the Office Action, claims 58-68 were rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly does not provide support for or enable the amended claims. The Applicants respectfully traverse this rejection because the claims have full support in the specification as originally filed.

As stated in MPEP § 2163.07, mere rephrasing of a passage does not constitute new matter. Accordingly, a rewording of a passage where the same meaning remains intact is permissible. *In re Anderson*, 471 F.2d 1237, 176 USPQ 331 (CCPA 1973).

While Applicant does not agree that the phrase "management module" lacks support in or is not enabled by the specification, Applicant has nonetheless amended claims 58-68 to recite "manager" module.

In view of the foregoing, it is respectfully requested that the aforementioned written description and enablement rejections be withdrawn.

II. THE INDEFINITENESS REJECTION OF CLAIMS 43 AND 44

On page 3 of the Office Action, claims 43 and 44 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. In particular, claims 43 and 44 recite the limitations "of the first component" and "the dependency of the second component", respectively. The Examiner asserts that there is insufficient antecedent basis for the limitations. Applicant has amended claims 43 and 44 to correct these deficiencies.

In view of the foregoing, it is respectfully requested that the aforementioned indefiniteness objection to claims 43 and 44 be withdrawn.

II. THE ANTICIPATION REJECTION OF CLAIMS 1-3, 6-11, 13, 19-29, 33-41, 45-51 and 53-68

On page 3 of the Office Action, claims 1-3, 6-11, 13, 19-29, 33-41, 45-51 and 53-68 were rejected under 35 U.S.C. § 102(b) as being anticipated by Svedberg et al. (U.S. Patent No. 5,408,218). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id.. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985).

Applicant has amended each of the independent claims. Claim 1, for example, has been amended to recite: "a management core providing a managed object view of each managed object and allowing manipulation of management attributes of each managed

object through at least one predetermined event policy, wherein the management core includes a management event concentrator for receiving and concentrating events from the managed objects associated with the application components." Each of independent claims 21, 28, 37, 38, 50, 51, and 54-57 has been amended to recite a similar feature or functionality.

Applicant respectfully submits that none of the cited references - alone or in combination - teach or suggest a management core that includes a management event concentrator for receiving and concentrating events from the managed objected associated with the application components. Neither Svedberg nor Dev teach or suggest any feature or functionality that receives and concentrates events from the managed objects associated with the application components.

Applicant respectfully disagrees with the Examiner's contention on Page 16 of the Office Action with regards to dependent claim 58 that Svedberg teaches "multiple events controlled by respective systems and concentrated into a main system," as allegedly evidenced by Column 5, lines 18-28 and Column 11, lines 8-34, which respectively read as follows:

The FMS system consists of three parts: an operation support system (OSS), fault handling support, and repair handling support. The OSS provides overall management support and an interface for human operators. Fault handling support performs the

functions of alarm coordination, fault localization, and alarm information packing. Repair handling support controls the repair process for hardware units by performing multiple functions which enable component replacement without expert skills. Repair handling support is not a subject of this patent.

* * * * *

The optional attribute Proposed Repair Action is used when the system is able to suggest a solution. The optional attribute Problem Text provides a free-form text description of the problem detected.

Error detections are modelled in the MO that represents the supervised resource, not the supervising resource. For example, when a computer hardware unit is executing software that supervises a signalling link, a failure of the link is reported as an error detection in the link MO, not in the software or hardware MOs.

The operation support system receives the alarm notifications and uses them for purposes such as:

1. Initiating repair actions such as replacing the faulty equipment indicated in the alarm notification;
2. Initiating network reconfiguration. If an alarm notification indicates a malfunctioning line of communication, the management system may change routing information in the network in order to bypass the faulty line; and
3. Building a database. The management system may be designed to merely record the status of the various communications lines for future analysis.

Applicant respectfully submits that none of the above excerpts - or any other part of Svedberg - teach or suggests a To the extent that the Examiner construes the OSS as being the claimed management event concentrator, Applicant submits there

is no teaching or suggestion in Svedberg that the OSS receives and concentrates events from the managed objects associated with the application components, as expressly required by the independent claims.

Claims 2-20, 22-27, 29-36, 39-49, and 52-53 are dependent upon independent claim 1, 21, 28, or 37. Thus, since independent claims 1, 21, 28 and 37 should be allowable as discussed above, claims 2-20, 22-27, 29-36, 39-49, and 52-53 should also be allowable at least by virtue of their dependency on independent claim 1. Moreover, these claims recite additional features which are not claimed, disclosed, or even suggested by the cited references taken either alone or in combination. For example, claim 58 recites "wherein at least one management module is configured to communicate with each management object through the management event concentrator." Applicant respectfully submits that Svedberg does not teach or suggest a management event concentrator, much less a management event concentrator in communication with at least one management module.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1-3, 6-11, 13, 19-29, 33-41, 45-51 and 53-57 be withdrawn.

IV. THE OBVIOUSNESS REJECTION OF CLAIMS 4, 5, 12, 14, 15, 16-18, 30-43, 42-44 and 52

On page 17 of the Office Action, claims 4, 5, 15, 16-18, 42-44 and 52 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Svedberg et al. (U.S. Patent No. 5,408,218).

On page 21 of the Office Action, claims 12, 14 and 30-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Svedberg et al. and Dev et al. (U.S. Patent No. 5,261,044). These rejections are hereby respectfully traversed.

As stated in MPEP § 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Applicant respectfully submits that the pending obviousness rejection of claims 4, 5, 12, 14, 15, 16-18, 30-43, 42-44 and 52

are overcome by the arguments presented above in connection with claim 1, 21, 28, 37, 38, 50, 51, and 55-57, from which claims 4, 5, 12, 14, 15, 16-18, 30-43, 42-44 and 52 depend.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 4, 5, 12, 14, 15, 16-18, 30-43, 42-44 and 52 be withdrawn.

V. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

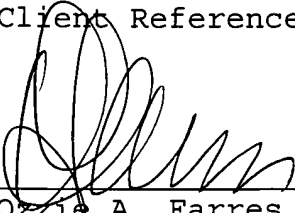
Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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